



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,349	04/10/2007	Ayala Barak	BARAK=7	2789
1444	7590	03/23/2011	EXAMINER	
Browdy and Neimark, PLLC 1625 K Street, N.W. Suite 1100 Washington, DC 20006			SCHLIENTZ, NATHAN W	
			ART UNIT	PAPER NUMBER
			1616	
			MAIL DATE	DELIVERY MODE
			03/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,349

Applicant(s)

BARAK, AYALA

Examiner

Nathan W. Schlientz

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 95,97,99-103,105-119,122-125 and 127-137 is/are pending in the application.
- 4a) Of the above claim(s) 109,110,112-119,125,127 and 128 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 95,97,99-103,105-108,111,122-124,129,130,132 and 134-137 is/are rejected.
- 7) ☒ Claim(s) 131 and 133 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

Claims 95, 97, 99-103, 105-119, 122-125 and 127-137 are pending in the present application. Claims 109, 110, 112-119, 125, 127 and 128 are withdrawn as being drawn to non-elected subject matter.

Response to Amendment

1. The declaration under 37 CFR 1.132 filed 6 January 2011 is sufficient to overcome the rejection of claims 95, 97, 99-103, 105-108, 111, 122-124 and 129-137 based upon Charles Henry (US 1,590,372) in view of Barak (US 5,976,386 and US 6,132,628); the rejection of claims 95, 97, 99-103, 105-108, 111, 122-124 and 129-137 based upon US 5,976,386 in view of Charles Henry (US 1,590,372); and the rejection of claims 95, 97, 99-103, 105-108, 111, 122-124 and 129-137 based upon US 6,132,628 in view of Charles Henry (US 1,590,372).

Allowable Subject Matter

2. Claims 131 and 133 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the indicated allowability of the elected species and claims 131 and 133 wherein the nitrogen-containing compound is ammonium carbamate and the

Art Unit: 1616

hypochlorite oxidant is sodium hypochlorite, the examiner has expanded the search to include non-elected species.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 95, 97, 102, 103, 105, 124, 130, 132 and 134-137 are rejected under 35 U.S.C. 102(b) as being anticipated by Tobar (US 3,308,012).

Tobar discloses a process for bleaching paper pulp comprising a first stage chlorination bleach of the pulp at pH 1-2; a second stage extraction with caustic; and a third stage hypochlorite bleach (i.e., sodium hypochlorite) at pH 6-11 and a temperature of 30-80 °C for 1-3 hours further comprising 5-20 wt.% ammonium sulfamate (col. 1, ln. 53-66; Example 2; and claims 1, 2 and 5). Tobar discloses an example wherein 15 ml sodium hypochlorite and 0.15 g sulfamic acid are dissolved in 200 ml distilled water and added to the pulp at pH 10-11 (Example 2). Therefore, Tobar discloses mixing wood pulp with a composition comprising hypochlorite and 5-20 wt.% ammonium sulfamate at pH 6-11, which meets all the process limitations of the instant claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 95, 97, 99-103, 105-108, 111, 122-124, 129, 130, 132 and 134-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobar (US 3,308,012) in view of Barak (US 5,976,386 and US 6,132,628).

Determination of the scope and content of the prior art

(MPEP 2141.01)

The teachings of Tobar are discussed above and incorporated herein by reference.

Ascertainment of the difference between the prior art and the claims

(MPEP 2141.02)

Tobar does not explicitly disclose the concentration of sodium hypochlorite immediately prior to mixing with the ammonium sulfamate to be not more than 24,000

Art Unit: 1616

ppm at total chlorine. However, Barak teaches that the diluted oxidant has a concentration of 0.1-2%, expressed as Cl_2 (col. 3, ln. 1-2). Tobar further teaches that the active biocidal ingredient is injected into the liquid being treated to a concentration of 0.5-300 ppm, more preferably 3-10 ppm, expressed as chlorine (col. 2, ln. 46-49).

Also, Tobar does not explicitly disclose the concentration of ammonium sulfamate in an aqueous solution is 0.5-60% w/v prior to mixing with the sodium hypochlorite solution. However, Barak teaches the amine source has a concentration of 0.1-50%, more preferably 2.5-30%, and the diluted amine source has a concentration of 0.1-6% (col. 2, ln. 50-60).

Tobar does not explicitly disclose mixing in a chamber into and out of which there is a continuous flow of water during the mixing. However, Barak teaches continuously mixing dilutions of the oxidant and amine source into a conduit and continuously injecting the active biocidal ingredient directly from the conduit into the liquid being treated (col. 1, ln. 46-67).

Tobar does not explicitly disclose addition of the hypochlorite/ammonium sulfamate solution to waste water. However, Barak teaches compositions comprising a nitrogen-containing compound and a hypochlorite are suitable for controlling microbial or biofilm growth in a medium, such as waste water (Abstract; and col. 3, ln. 37).

Tobar does not explicitly disclose addition of a bromide to the solution. However, Barak teaches ammonium bromide as a suitable amine source and an active biocidal ingredient derived from ammonium bromide exhibited superior efficacy and faster rate

Art Unit: 1616

of kill in basic media as compared to active biocidal ingredients derived from other amine sources (col. 3, ln. 19-22; and claim 1).

Finding of prima facie obviousness

Rational and Motivation (MPEP 2142-43)

Therefore, it would have been *prima facie* obvious for one of ordinary skill in the art at the time of the invention to prepare the compositions according to Tobar for the treatment of waste water wherein the concentration of sodium hypochlorite immediately prior to mixing with the ammonium sulfamate to be not more than 24,000 ppm at total chlorine, and where the active biocidal ingredient is injected into the liquid being treated to a concentration of 0.5-300 ppm, more preferably 3-10 ppm, expressed as chlorine.

From the teachings of the references, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan W. Schlientz whose telephone number is 571-272-9924. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

Art Unit: 1616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NWS

/Mina Haghighatian/
Primary Examiner, Art Unit 1616